### **EVIDENCE CHECKLIST**

Company Name Electric Equip 6.
File Number D081
6/7/1988 DPRA Database Not USted
 SO Number
Invoices Volume 26 - Copied
Other

Denotes transactions not listed in the DPRA database

187453



S00179766 SUPERFUND RECORDS

## MISSOURÎ ELECTRIGWORKS INC

MOTORS
TRANSFORMERS
POWER EQUIPMENT
REWINDING SALES

Service.
Phone 335 6603

11 minutes and a second and a second

- CAPE GIRARDEAU MISSOURI 63701

TO Electric Equipment Co. P O Box 662

P.O. Box 51

Rochester, N. York 146

14601

INVOICE NO

86451

YOUR ORDER NO

net

bУ

DELIVERED BY

Inman

OURS O NO

1-7719,20,21

PAYING THIS INVOICE IN TEN DAYS SET

DATE DELIVERED

5-12-78

INVOICE DATE

5-16-78

3- Line Material, 250 KVA, LA Type, 2400/4160Y to 120/240 Volts,

Lot Price \$2,700.00

TOTAL INVOICE

\$2,700.00

Ship to:

Magnetic Laboratories

Hallstead, PA

MEW Site Fi reak11\_91025

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INVOICE

TRANSFORMERS POWER EQUIPMENT REWINDING SALES PO BOX 662

I hone 135 660 1

CAPE GIRARDEAU MISSOURI 63701

Electric Equipment Co. P. O. Box 51

Rochester, N.Y. 14601

INVOICE NO

89188

YOUR ORDER NO E4212

EARNS \$ net

M DAYS NET

I AYING THIS INPOICE IN

BY

DELIVERED BY

ELFRINK

OUR SO NO

T-6480, 6481

DATE DELIVERED

4-30-79

INVOICE DATE

4-30-79

SALE:

- 150 KVA, MOLONEY TRANSFORMERS, 3 Ø, 4160y to 240 V, S/N 686044, 602642, 3.7 % INP.

2 units @ 700.00 ea.

1,400.00

SHIPPED TO:

HIGH VOLTAGE SYSTEM SHARONVILLE, CHIO

TOTAL INVOICE:

\$1,400.00

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# MISSOURI FLECTRIC WORKS INC

INVOICE

MOTORS
TRANSFORMERS
POWER EQUIPMENT
REWINDING SALES
PO BOX 662

Service \*

CAPE GIRARDEAU MISSOURI 63701

ELECTRIC EQUIPMENT COMPANY

P 0 BOX 51

RECHESTER, NY 14601

INVOICE NO

99702

YOUR ORDER NO

E 3413/1

EARNS & NET

ET 8Y

D

DELIVERED BY

Yellow Freight

OUR SO NO

T-8786

I AYING THIS INVOICE IN
TEN DAY 30 DAYS NET

DATE DELIVERED

8/10/83

INVOICE DATE

8/12/83

SALE

1 - 225 kva Sorgel transformer, dry type, S/N# X81558, 60 NZ, 3 Ø, 6.16% Imp., 4160 Delta to 208y/120 V

6

1,860.00

No Tax

shipped to Ferguson Electric 333 Ellicott St Buffalo, NY 14203

crated & marked 17995









POWER EQUIPMENT REWINDING SALES PO BOX 662

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GIRARDEAU MISSOURI G3701

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## MISSOURÎ ELECTRIGWORKS INC.

MOTORS
TRANSFORMERS
POWER EQUIPMENT
REWINDING SALES
PO BOX GG2

Service \*

CAPE GIRARDEAU MISSOURI G3701

10

Electric Equipment Co P O. Pox 51 Rochester, N Y 14601

INVOICE NO

04476

YOUR ORDER NO

1,-3169

EARNS & NET

ВA

DELIVEREDBY

Next Day Frt

OUR SO NO

T-8847, 48, 49

PAYING THIS INVOICE IN

TEN DAYS 30 DAYS NET

DATE DELIVERED

11/15/85

INVOICE DATE

11/15/85

SALE

3 - 250 kva Westinghouse transformers, S type, style #119144 152091, 60 IZ, 1 Ø, 2 3% Imp, sub polarity, 4-BN taps, 1710 Jb each, 14.400/24,940Y to 277Y/480Y, S/N# 66G14305, 06, 07

3 units @ 1550 ea

4,650 00

Resale

sold to Industrial Place Testing Co 4610 E Admiral Place Tulsa, Or 75115 ATTN: JOHN PRAKOSH

shipped to Unit Rig Co
500 S 49th Test Ave.
Tulsa, Or 74115
ATTMYYJMNAKENKUK



In No	Date Received	Date	e Finished	Date Delivered	
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TRANSFORMERS
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REWINDING SALES (
PO BOX 662



CAPE GIRARDEAU MISSOURI 63701

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# ELECTRIC EQUIPMENT COMPANY

PO BOX 51 • ROCHESTER, NEW YORK 14601 • 716-235-4080 • 800-828-6563

FAX 1-716-328-6166

TRANSFORMERS • SWITCHGEAR • SUBSTATIONS NEW AND REMANUFACTURED • STOCK OR CUSTOM

April 14, 1988

U.S Environmental Protection Agency Ms. Pauletta R France Isetts Region VII, Superfund Branch 726 Minnesota Avenue Kansas City, KS 66101 RECEIVED

APR 1 8 1988

RE Missouri Electric Works Inc.
Cape Girardeau, Missouri

CMPL SECTION

Dear Ms. France Isetts:

I am writting in response to the April 5th, 1988 letter from David A. Wagoner regarding the above - captioned matter In accordance with the Request for Information, please be advised of the following

- 1) I am the representative to contact regarding this matter
- 2) It has been our policy for many years to retain correspondance, invoices, purchase orders, and inventory records for the five years preceding the current year. Consequently, the data that we have extends thru January 1, 1983. All older data has been destroyed. The retained information indicates that we shipped NO transformers to this site.
- 3) We shipped NO other oil filled electrical equipment to this site for disposal or treatment.
- 4) We enclose herewith a copy of our invoice #4427, (September 7,1983) to Missouri Electric Works.

  This invoice covers the sale by Electric Equipment Company to Missouri Electric Works of a NEW 500 KVA Westinghouse PADMOUNT transformer Syle # A42E560LXQ Serial #82JH751119. This unit was shipped September 7th, 1983 to Sachs Electric Company c/o St. Louis Union Station, St. Louis, Missouri.
- 5) thru 10 inclusive. we have no knowledge or data whatsoever.

Please let me know if you have any questions or coments.

very truly yours,

Roy Gillhi

RG pjr

# ELECTRIC EQUIPMENT CO.

P. O. BOX ST ROCHESTER, N. Y. 14601

Sept 137:1983

P.O. Box 662媒态等 Cape Girardeau, MO 63701



500KVA (65°C) Westinghouse - Type DA cycle three phase PADMOUNT transformer Prim. volts 4160 Delta - Sec. volts 480Y/277 -44.3% Impedance - Complete with 285 gals. 10CA transformer oil - Total weight 5.301 lbs. - Dim. approx 55" high - 86" wide - 59" deep - LIVE-FRONT RADIAL FEED construction (4) SHIP TO: Sachs Electric Company













## ECTRIC EQUIPMENT COMPANY

PO BOX 51 • ROCHESTER, NEW YORK 14601 • 716-235-4080 • 800-828-6563

TRANSFORMERS • SWITCHGEAR • SUBSTATIONS NEW AND REMANUFACTURED • STOCK OR CUSTOM

December 12, 1988

United States Environmental Protection Agency 726 Minnesota Avenue Kansas City, KS 66101 ATTN: Mr. David A. Wagoner ' Director, Waste Management Division



CMPL SECTION

RE , Missouri Electric Works - Cape Giradeau, MO

Dear Mr Wagoner

I am in receipt today of your December 9, 1988 letter in reference to the above encaptioned matter.

The purpose of this letter is to notify you that we absolutely contest and refute your assertion that we should continue to be considered a Potentially Responsible Party based upon the data we have furnised to you and you have furnished to us.

Our April 14, 1988 letter of response indicated to you that we had ONE and only one transaction with Missouri Electric Works. sale of 'a NEW Westinghouse This transaction covered our transformer to M E.W , and indicated that the transformer was shipped directly from the manufacturer to M.E W.'s customer in St. Louis, Missouri - and not to Cape Girardeau, Missouri.

I hope this letter satisfactorily explains Electric Equipment Company's position on this matter at this time.

Very truly yours,

Roy Gillim

RG/1r

## Woods, Oviatt, Gilman, Sturman & Clarke

Attorneys

44 Exchange Street Rochester New York 14614

(716) 454 5370

RECEIVED JUL 17 1990 REML SECTION

July 10, 1990

United States Environmental Protection Agency 5355 Town Center Road Region VII 726 Minnesota Avenue Kansas City, Kansas 66101

Pauletta France-Isetts Attn Waste Management Division

Objection to PRP Designation Missouri Electric Works, Cape Girardeau, Missouri

Dear Ms. France-Isetts

Pursuant to our conversation of June 27, 1990, submitted herewith, on behalf of Electric Equipment Company, is President Roy Gillim's Affidavit attesting to the fact that the Electric Equipment Company did not ship transformers, either as an individual corporate entity or through any joint venture, to the Cape Girardeau Superfund site. Establishing this fact, the Electric Equipment Company should be released as a "Potentially Responsible Party" and dismissed from this proceeding.

It is apparent from the accompanying documentation that a single purchase and sale transaction with Missouri Electric Works, Inc., upon which a 0.00 KVA or no record allocation has been assessed to Electric Equipment Company, is the only nexus this company has to the Superfund site. In the absence of substantiating shipping documents, receipts or invoices to the contrary, Electric Equipment Company has a valid claim for PRP The correspondence confirming Purchase Order status release. #645, the Shipping Memorandum, and Invoice #4427 reflect a purchase of equipment which designates shipment be made by Electric Equipment Company directly to Sachs Electric Company, St. Louis, Missouri, i.e., no shipment of equipment to Missouri Electric Works, Inc. is documented, and the sale of the transformer to Missouri Electric Works, Inc. clearly indicates shipment was made to St. Louis, Missouri.



Leon H Sturman 1908 1989

Robert W Clarke\* Percival D Oviatt Jr John S Gilman Robert M Schantz Harry P Messura Jr Beryl Nusbaum\* Samuel P Merlo Jack M Battagha Robert W Kessler John A Titus Gary F Amendola\* Eugene Parre\* Samuel O Tilton Paul S Groschadl R Thompson Gilman\*
James P McElheny Ralph K Merzbach Louis M D Amato Donald W O Brien Jr Howard J Grossman Paul E. Roman\* Thomas M DiPiazza Jr

Florida Office

Suite 302

Crocker Plaza

Telecopier Boca Raton Florida 33486 (407) 368 1166

Joel D Kenwoodt Charles A Heeg P Keely Costello James W Kiley of Counsel

Philip L Burke W Stephen Tierney Julia A Garver William G Bauer Kelly A Nagle Marie A Ducie Gordon S Dickens Gordon E Forth Robert C Greene Deborah T Lynd Mark K Broyles
Donna J Hichman Ellen J Coyne Gay B Montante Anthony Cotroneo Mary H Gehl Patrick S Sweeney † Robert D Hooks

Also Admitted to FL Bar \* FL Bar only t

716 454 3968

Ms. France-Isetts July 10, 1990 Page 2

Mr. Gillim has attested to this information based on his personal knowledge, recollection and review of available documentation relative to this matter in his capacity as a past Officer and President of this Company. His Affidavit establishes a valid basis to challenge Electric Equipment Company's designation as a "PRP" in the United States Environmental Protection Agency's Missouri Electric Works Superfund site CERCLA proceeding.

I would appreciate your immediate consideration to this request to expedite matters. Please contact me with any concerns you may have.

Very truly yours,

WOODS, OVIATT, GILMAN, STURMAN & CLARKE

Ellen J. Coyne

EJC/dem Enclosures

cc Roy G1111m

David Wagoner, United States Environmental Protection Agency Al McMahon, PRP Steering Committee

•

In the Matter of:

Missouri Electric Works, Inc. Cape Girardeau, Missouri **AFFIDAVIT** 

STATE OF NEW YORK) COUNTY OF MONROE) SS

ROY GILLIM, being duly sworn, deposes and says

- 1. He is the President of Electric Equipment Company ("EEC"), a named Potentially Responsible Party ("PRP") in the above matter
- 2. This affidavit is made in support of the removal of EEC from the PRP designation list upon which EEC has been assessed a total KVA allocation of 0 00  $\,$
- 3. This matter was commenced on or about April 5, 1988, by issuance of a request for information pursuant to Section 104(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA") by the United States Environmental Protection Agency ("EPA") and a notification to EEC of its potential liability as a PRP with respect to the facility

waste at the M E W site (Exhibit D) This allocation was premised on the above referenced documentation previously described by the deponent (See Exhibit A attachments.)

- 9 EEC is alleged to have a total volumetric contribution to the M E W site of 0 00 KVA based on a "no record of equipment" determination made by the PRP Steering Committee as a result of documentation evaluations (Exhibit E).
- 10 Upon information and belief, the fact that any KVA allocation has associated EEC to the M E.W site has been based on the supporting documents furnished by this deponent to the EPA supporting the PRP finding of the 0 00 KVA assessment, as follows
  - a. Confirmation letter for Purchase Order #645, dated September 2, 1983, for the purchase of (1) 500 KVA Westinghouse Padmonunt transformer by Missouri Electric Works, Inc. from EEC to be shipped directly to Sachs Electric Company, St. Louis, Missouri. Shipment was indicated to be made to a location other than Cape Girardeau, Missouri.
  - b. Shipping Memorandum referencing Bill of Lading received September 7, 1983, designating shipment of
     (1) NEW 500 KVA (Westinghouse) transformer from EEC to destination of St Louis, Missouri 63166.
     No shipment was made to the M.E W , Cape Girardeau site This transformer never reached the M E W.

site

c. Invoice #4427, dated September 7, 1983, for the purchase of (1) NEW - 500 KVA Westinghouse transformer by Missouri Electric Works, Inc. from EEC with shipment to be made to Sachs Electric company not the Cape Girardeau location.

Therefore, the single shipment by EEC, pursuant to M E W 's purchase order #645, to Sachs Electric Company should NOT be a factor in associating EEC to the M E W site since the transformer was not shipped to, nor did it ever reach the M E W site

- 11. Neither deponent nor any other staff person or officer of EEC has any knowledge or recollection of shipments directly to the M E W. site in Cape Girardeau, Missouri.
- 12. Deponent has fully and fairly stated the facts herein to the best of his knowledge as former Chief Operating Officer and current President of EEC EEC's past shipments did not involve transportation of goods to the M E W site. Deponent has a good and substantial defense for the elimination of EEC from PRP designation based on the face of the submitted documents to support a finding that EEC has no assessed contributory share of hazardous waste at the M E W
- 13. Deponent's defense is based on the indicated <u>purchase</u> of a 500 KVA transformer by M E W., the sale of the transformer shipped directly to St Louis, Missouri, and supporting papers

verifying said transaction

14 Deponent submits this affidavit in good faith and defends this request for EEC's removal as a PRP for the M  $\scriptstyle\rm EW$  site which statement he believes to be true

ELECTRIC EQUIPMENT COMPANY

Ву

Roy Gillin, President

Sworn to before me this 130 day of July 1990

Metary Puplic

ELLEN & COVNE, Esq.
\*Notary Public, State of New Year
Uvingston County
Commission Expires Oct. 1, 19, 9/

April 14, 1988

U S. Environmental Protection Agency Ms Pauletta R. France Isetts Region VII, Superfund Branch 726 Minnesota Avenue Kansas City, KS 66101

RE Missouri Electric Works Inc Cape Girardeau, Missouri

Dear Ms. France Isetts

I am writting in response to the April 5th, 1988 letter from David A. Wagoner regarding the above - captioned matter In accordance with the Request for Information, please be advised of the following

- 1) I am the representative to contact regarding this matter
- 2) It has been our policy for many years to retain correspondance, invoices, purchase orders, and inventory records for the five years preceding the current year Consequently, the data that we have extends thru January 1, 1983 All older data has been destroyed. The retained information indicates that we shipped NO transformers to this site.
- 3) We shipped NO other oil filled electrical equipment to this site for disposal or treatment
- 4) We enclose herewith a copy of our invoice #4427
  (September 7,1983) to Missouri Electric Works.
  This invoice covers the sale by Electric Equipment Company to
  Missouri Electric Works of a NEW 500 KVA Westinghouse PADMOUNT
  transformer Syle # A42E560LXQ Serial #82JH751119 This
  unit was shipped September 7th, 1983 to Sachs Electric Company
  c/o St. Louis Union Station, St. Louis, Missouri
- 5) thru 10 inclusive we have no knowledge or data whatsoever.

Please let me know if you have any questions or coments.

Very truly yours,

Roy Gillim

RG pjr

September 2, 1983

Missouri Electric Works Inc. P.O. Box 662 Cape Girardeau, MO 63701

ATTN Mr. Richard Giles

Dear Dick

Confirming our phone conversation, we are pleased to enter your Purchase Order #645 for the following:

1) NEW - 500KVA (65°C) Westinghouse - Type OA 60 cycle - three phase PADMOUNT transformer Prim. volts 480Y/277 4/60 \( \omega \cdot \cdot \delta \de

100# 4427 9-2-8-3

YOUR PRICE \$5,250.00 NET - IMMEDIATE SHIPMENT F.O.B. Kentucky

The above transformer is a NEW unit, and will carry our STANDARD ONE YEAR WARRANTY, a copy of which is enclosed.

Per your instructions, shipment will be made to:

Sachs Electric Company c/o St. Louis Union Station 18th & Market Street St. Louis, MO 63166

Shipment will be marked A65682-6818
24 Hour Delivery notice will be given to: Messrs. Scanga & Nelson (314-532-2000)

Thank you so very much for the order Dick. Please keep us in mind when you have future transformer inquiries.

Very truly yours,

K. W. Bell

KWB/1r

# ELECTRIC EQUIPMENT CO.

P O. BOX 51 - ROCHESTER, N. Y. 14601

TELEPHONES AREA CODE 716

235 4080 235 4081

SOLD TO

Missouri Electric Works, Inc. P.O. Box 662 Cape Girardeau, MO 63701 Date

Sept. 7,1983

Shipped

C & H

FOB

Kentucky

Inv No

4427

Order No

645

Terms

NET 30 DAYS

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QUANTITY		DESCI	RIPTION	7	UNIT PRICE	TOTAL
1	volts 4160 Impedance -	Tee phase PADMI Delta - Sec. v Complete with weight 5,301 wide - 59" dee	inghouse - Type DUNT transformer Volts 480Y/277 - 1 285 gals. 10C/ lbs Dim. app Pp - LIVE-FRONT	r - Prim. - 4.3% - transformer prox. 55"	\$5,250.00	\$5,250.00
	SHIP TO S	achs Electric	Company			KB
	CALLED MOTORS	TRANSFORMERS	CIRCUIT ANAXERS	MOTOR GINEAUS	<b>U</b>	



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#### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

#### REGION VII 726 MINNESOTA AVENUE KANSAS CITY, KANSAS 66101

<u>CERTIFIED MAIL</u>
RETURN RECEIPT REQUESTED

DEC 0 9 1988

Mr Roy Gillim
Electric Equipment Company
P O Box 51
Rochester, NY 14601

Re

Missouri Electric Works Cape Girardeau, Missouri

Dear Mr Gillim

On April 5, 1988, the United States Environmental Protection Agency (EPA) sent you a letter notifying you that based on evidence available to EPA, EPA considered you a potentially responsible party (PRP) under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA or "Superfund") in regard to polychlorimated biphenyl (PCB) contamination found at the above referenced site. The letter also requested certain information from you regarding occurrences at the site including whether you shipped, transported or were otherwise involved in PCBs being sent to the site. You responded to this notice by sending information to EPA regarding the above referenced matters.

This letter is to notify you that EPA has reviewed the information you have submitted and that, based on that review and other information available to EPA, EPA continues to consider you a PRP at the MEW site subject to EPA's enforcement authority under CERCLA

EPA is presently negotiating a consent order with a group of PRPs to conduct an investigation of the MEW site to determine the extent of the release at MEW and what, if any, remedial action is appropriate EPA is urging all PRPs to participate with this group on this effort. If the result of this investigation and study indicate remedial action is necessary, then EPA will be using its CERCLA authority to insure that the appropriate remedial action is performed. This will be accomplished by EPA by entering into an agreement with PRPs, by EPA issuing a unilateral order to PRPs or by EPA taking the appropriate response action itself and then recovering its costs from the PRPs

I hope this satisfactorily explains EPA's position on this matter at this time. If you have questions, please call Pauletta France-Isetts of my staff at (913) 236-2856 or Anne. Rowland of our legal staff at (913) 236-2809.

Sincerely yours,

David A Wagoner

Director, Waste Management Division

**D** 0 8 1 000024

December 12, 1988

United States Environmental Protection Agency 726 Ninnesota Avenue
Kansas City, KS 66101
ATTN Nr David A Wagoner
Director, Waste Management Division

RE Missouri Electric Works - Cape Giradeau, MO

Dear Mr Wagoner

I am in receipt today of your December 9, 1988 letter in reference to the above encaptioned matter.

The purpose of this letter is to notify you that we absolutely contest and refute your assertion that we should continue ito be considered a Potentially Responsible Party based upon the data we have furnised to you and you have furnished to us

Our April 14, 1988 letter of response indicated to you that we had ONE and only one transaction with Missouri Electric Works. This transaction covered our sale of a NEW Westinghouse transformer to M E W, and indicated that the transformer was shipped directly from the manufacturer to M E W 's customer in St Louis, Missouri - and not to Cape Girardeau, Missouri

I hope this letter satisfactorily explains Electric Equipment Company's position on this matter at this time

Very truly yours,

Roy Gillim

RG/lr

Be where Beru Fuelraum
Paul Praupah

#### MISSOURI ELECTRIC WORKS SUPERFUND SITE

#### INVOICE FOR ASSESSMENT BY THE MISSOURI ELECTRIC WORKS STEERING COMMITTEE

ID NUMBER

1309

NAMED PRP COMPANY ELECTRIC EQUIPMENT COMPANY

GRAND TOTAL KVA

0 00

Gross Assessment (Grand Total KVA @ \$3 00) (Minimum Assessment = \$1,000)	\$ 1000	00
Less Amounts Already Paid	\$ 0	00
Net Assessment	\$ 1000	00
Penalty Assessment	\$ 5	92
TOTAL ASSESSMEMT	\$ 1005	92

DUE NOT LATER THAN 30 DAYS AFTER YOUR RECEIPT OF THIS INVOICE

Please make your check payable to MEW GROUP ADMINISTRATIVE FUND and return it, along with a copy of this invoice, to

Ms Jeanne Berger, Environmental Assistant Peper, Martin, Jensen, Maichel and Hetlage 720 Olive Street, 24th Floor St Louis, Missouri 63101

PLEASE WRITE ID NUMBER 1309 ON CHECK

06/11/90

### NOTICE IN LIEU OF INDIVIDUAL EQUIPMENT-IN LIST

TO ELECTRIC EQUIPMENT COMPANY ID 1309

You have not received an individual Equipment-In List for this ID number because the database currently contains no records of equipment connected with this ID number